

1 **R277. Education, Administration.**

2 **R277-515. Utah Educator Standards.**

3 **R277-515-[2]1. Authority and Purpose.**

4 ~~[A.](1)~~ This rule is authorized by:

5 ~~(a)~~ Utah Constitution Article X, Section 3₁, which vests the general control and
6 supervision of the public schools in the Board~~[-]~~₁;

7 ~~(b)~~ ~~[by]~~ Subsection 53A-1-402(1)(a)₁, which directs the Board to make rules
8 regarding the certification of educators~~[-]~~₁;

9 ~~(c)~~ ~~[by Section 53A-6]~~ Title 53A, Chapter 6, Educator Licensing and
10 Professional Practices Act, which provides all laws related to educator licensing and
11 professional practices~~[-]~~₁; and

12 ~~(d)~~ ~~[by]~~ Subsection 53A-1-401(3)₁, which allows the Board to adopt rules in
13 accordance with its responsibilities.

14 ~~[B.](2)~~ The purpose of this rule is to:

15 ~~(a)~~ establish statewide standards for public school educators that provide
16 notice to educators and prospective educators and notice and protection to public
17 school students and parents~~[- The rule also]~~₁;

18 ~~(b)~~ recognize~~[s]~~ that licensed public school educators are professionals and,
19 as such, should share common professional standards, expectations₁, and role model
20 responsibilities~~[- The rule]~~₁; and

21 ~~(c)~~ distinguish~~[es]~~ behavior for which educators shall receive license discipline
22 from behavior that all Utah educators should aspire to and for which license
23 discipline shall be initiated only in egregious circumstances or following a pattern of
24 offenses.

25 **R277-515-[4]2. Definitions.**

26 ~~[A. "Board" means the Utah State Board of Education.]~~

27 ~~(1)~~ "Core Standard" means a statement:

28 ~~(a)~~ of what a student enrolled in a public school is expected to know and be
29 able to do at a specific grade level or following completion of an identified course;
30 and

31 ~~(b)~~ established by the Board in Rule R277-700 as required by Section 53A-1-

402.

[B-](2) "Diversion agreement" means an agreement between a prosecutor and defendant entered into prior to a conviction delaying prosecution of a criminal charge for a specified period of time and contingent upon the defendant satisfying certain conditions.

[C-](3)(a) "Educator" or "professional educator" means a person who currently holds a Utah educator license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license.

(b) "Professional educator" does not include ~~[The "professional" denotes that the individual holds or is seeking a Utah educator license as opposed to]~~a paraprofessional, ~~[or]~~a volunteer, or an unlicensed teacher in a classroom.

[D-](4) "Felony offense" means any offense for which an individual is charged with a first, second, or third degree felony under:

(a) ~~[the]~~ Title 76, Utah Criminal Code, ~~[Title 76,]~~;

(b) ~~[the]~~ Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, ~~[Title 67, Chapter 16,]~~;

(c) ~~[the]~~ Title 58, Chapter 37d, Clandestine Drug Lab Act, ~~[Title 58 Chapter 37d,]~~;

(d) ~~[the]~~ Title 63G, Chapter 6a, Utah Procurement Code, ~~[Title 63G, Chapter 6,]~~ or

(e) any other statute in the Utah Code establishing a felony.

[E-](5) "Illegal drug~~[(s)]~~" means a substance included in:

(a) Schedules I, II, III, IV, or V ~~[of]~~ established in Section 58-37-4, ~~[and also includes a drug or substance included in];~~

(b) Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, Pub. L. No. 91-513, or

(c) any controlled substance analog.

~~[F. "Illegal sexual conduct" means any conduct proscribed under the Utah Criminal Code, Sections 76-5-401 through 406, Section 76-5a-1-4, and Section 76-9-704 through 704.]~~

(6) "LEA" or "local education agency" for purposes of this rule includes the Utah Schools for the Deaf and the Blind.

64 ~~[G.](7)~~ “Licensing discipline” means a sanction~~[s ranging from]~~, including an
65 admonition, a letter of warning, a written reprimand, suspension of license, and
66 revocation of license, or other appropriate disciplinary measure~~[s]~~, for violation of a
67 professional educator standard~~[s]~~.

68 ~~[H.](8)~~ “Misdemeanor offense” means any offense for which an individual is
69 charged with a Class A, B, or C misdemeanor under:

70 ~~(a) [the] Title 76, Utah Criminal Code[, Title 76,]~~₁

71 ~~(b) [the] Title 67, Chapter 16, Utah Officers’ and Public Employees’ Ethics Act[, Title 67, Chapter 16,]~~₁

72 ~~(c) [the] Title 58, Chapter 37d, Clandestine Drug Lab Act[, Title 58 Chapter 37d,]~~₁

73 ~~(d) [the] Title 63G, Chapter 6a, Utah Procurement Code[, Title 63G, Chapter 6,]~~₁ or

74 ~~(e)~~ any other statute in the Utah Code establishing a misdemeanor.

75 ~~[I.](9)~~ “Plea in abeyance” means a plea of guilty or no contest ~~[which]~~that is
76 not entered as a judgment or conviction but is held by a court in abeyance for a
77 specified period of time.

78 ~~[J.](10)~~ “School-related activity” means any event, activity₁ or program:

79 ~~(a)~~ occurring at the school before, during₁ or after school hours; or

80 ~~(b) [which]~~that a student~~[s]~~ attends₁ at a remote location as a representative~~[s]~~
81 of the school or with the school’s authorization, or both.

82 ~~[K.](11)~~ “Stalking” means the act of intentionally or knowingly engaging in a
83 course of conduct directed at a specific person as defined in Section 76-5-106.5.

84 ~~[L. “Utah Core Curriculum” means minimum academic standards provided through courses as established by the Board which shall be mastered by all students K-12 as a requisite for graduation from Utah’s secondary schools.]~~

85 ~~[M. “Utah Public Employees Ethics Act” means the provisions established in Section 67-16-1-14.]~~

86 ~~[N.](12)~~ “Utah Professional Practices Advisory Commission” or
87 ~~[Commission)]~~“UPPAC” means an advisory commission established to assist and
88 advise the Board in matters relating to the professional practices of educators, as
89 established ~~[under]~~by Section 53A-6-301.

[O. “USOE” means the Utah State Office of Education.]

[P.](13) “Weapon[(s)]” means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

R277-515-3. Educator as a Role Model of Civic and Societal Responsibility.

[A.](1) The professional educator is responsible for compliance with federal, state, and local laws.

[B.](2) The professional educator shall familiarize himself or herself with professional ethics and is responsible for compliance with applicable professional standards.

[C.](3) Failing to strictly adhere to ~~[the following]~~ Subsection (4) shall result in licensing discipline ~~[as defined in R277-515-1G]~~.

(4) The professional educator, upon receiving a Utah educator license:

([1]a) ~~[shall]~~ may not be convicted of any felony or misdemeanor offense ~~[which]~~ that adversely affects the individual’s ability to perform an assigned dut[ies]y and carry out the responsibilities of the profession, including role model responsibilit[ies:]y;

([2]b) ~~[shall]~~ may not be convicted of or commit any act of violence or abuse, including physical, sexual, or emotional abuse of any person;

([3]c) ~~[shall]~~ may not commit any act of cruelty to a child~~[ren]~~ or any criminal offense involving a child~~[ren]~~;

([4]d) ~~[shall]~~ may not be convicted of a stalking crime;

([5]e) ~~[shall]~~ may not possess or distribute an illegal drug~~[s,]~~ or be convicted of any crime related to an illegal drug~~[s]~~, including a prescription drug~~[s]~~ not specifically prescribed for the individual;

([6]f) ~~[shall not be convicted of any illegal sexual conduct, including offenses that are plea bargained to lesser offenses from an initial sexual offense]~~ may not engage in conduct of a sexual nature described in Section 53A-6-405;

([7]g) ~~[shall]~~ may not be subject to a diversion agreement specific to a sex-related or drug-related offense~~[s]~~, plea in abeyance, court-imposed probation, or court supervision related to a criminal charge~~[s which]~~ that could adversely impact the educator’s ability to perform the duties and responsibilities of the profession;

127 ([8]h) ~~[shall]~~may not provide to a student[s] or allow a student[s] under the
128 educator's supervision or control to consume an alcoholic beverage[s] or
129 unauthorized drug[s];

130 ([9]i) ~~[shall]~~may not attend school or a school-related activity in an assigned
131 supervisory capacity[;] while possessing, using, or under the influence of alcohol or
132 an illegal drug[s];

133 ([10]j) ~~[shall]~~may not intentionally exceed the prescribed dosage[s] of a
134 prescription medication[s] while at school or a school-related activity;

135 ([11]k) shall cooperate in providing all relevant information and evidence to
136 the proper authorit[ies]y in the course of an investigation by a law enforcement
137 agency or by the Division of Child [Protective]and Family Services regarding
138 potential criminal activity[;]. ~~However,~~ except that an educator ~~[shall be entitled~~
139 ~~to]~~may decline to give evidence against himself or herself in an[y-such] investigation
140 if the ~~[same]~~evidence may tend to incriminate the educator as that term is defined
141 by the Fifth Amendment of the U.S. Constitution;

142 ([12]l) shall report suspected child abuse or neglect to law enforcement or the
143 Division of Child and Family Services pursuant to Sections 53A-6-502 and 62A-4a-
144 409 and comply with~~[Board]~~ rules and ~~[school-district]~~LEA polic[ies]y regarding the
145 reporting of suspected child abuse;

146 ([13]m) shall strictly adhere to state laws regarding the possession of a
147 firearm[s;] while on school property or at a school-sponsored activit[ies;]y and
148 enforce ~~[district]~~an LEA polic[ies]y related to student access to or possession of a
149 weapon[s];

150 ([14]n) ~~[shall]~~may not solicit, encourage, or consummate an inappropriate
151 relationship, whether written, verbal, or physical, with a student or minor;

152 ([15]o) ~~[shall]~~may not:

153 (i) participate in sexual, physical, or emotional harassment~~[—or—any~~
154 ~~combination]~~ towards any public school-age student or colleague[;,-n]; or

155 (ii) knowingly allow harassment toward a student[s] or colleague[s];

156 ([16]p) ~~[shall]~~may not make inappropriate contact in any communication[-],
157 including written, verbal, or electronic[-], with a minor, student, or colleague,
158 regardless of age or location;

(147)g) ~~[shall]~~may not interfere or discourage a student's~~[']~~ or colleague's~~[']~~ legitimate exercise of political and civil rights, acting consistent with law and ~~[school district/school]~~LEA polic~~[ies]~~y;

(148)r) shall provide accurate and complete information in a required evaluation~~[s]~~ of himself or herself, another educator~~[s]~~, or student~~[s]~~, as directed, consistent with the law;

(149)s) shall be forthcoming with accurate and complete information to an appropriate authorit~~[ies]~~y regarding known educator misconduct ~~[which]~~that could adversely impact performance of a professional responsibilit~~[ies]~~y, including a role model responsibilit~~[ies]~~y, by himself or herself, or another~~[s]~~;

(120)t) shall provide accurate and complete information required for licensure, transfer, or employment purposes;~~[-and]~~

(124)u) shall provide accurate and complete information regarding qualifications, degrees, academic or professional awards or honors, and related employment history when applying for employment or licensure~~[-];~~;

(122)v) shall notify the USOE at the time of application for licensure of past license disciplinary action or license discipline from another jurisdiction~~[s]~~;

(123)w) shall notify the USOE honestly and completely of past criminal convictions at the time of the license application and renewal of licenses; and

(124)x) shall provide complete and accurate information during an official inquiry or investigation by ~~[school district]~~LEA, state, or law enforcement personnel.

~~[D-](5)(a)~~ Failure to adhere to ~~[the following]~~this Subsection (5) may result in licensing discipline~~[-as defined in R277-515-1G]~~.

(b) A [P]penalt~~[ies]~~y shall be imposed, most readily, if an educator~~[s have]~~ has received a previous documented warning~~[(s)]~~ from the educator's employer.

(14)c) An educator ~~[shall]~~may not:

(i) exclude a student from participating in any program~~[-]~~ or deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious belief~~[s]~~, physical or mental condition~~[s]~~, family, social, or cultural background, or sexual orientation~~[-];~~; and

(ii) ~~[shall]~~may not engage in conduct that would encourage a student~~[(s)]~~ to develop a prejudice on the~~[se]~~ grounds described in Subsection (5)(c)(i) or any other,

191 consistent with the law.

192 ([2]d) An educator shall maintain confidentiality concerning a student unless
193 revealing confidential information to an authorized person[s] serves the best interest
194 of the student and serves a lawful purpose, consistent with ~~[federal and state]~~:

195 (i) Title 53A, Chapter 13, Part 3, Utah Family Educational Rights and Privacy
196 Act; and

197 (ii) the Federal Family Educational Rights and Privacy Acts ~~[(FERPA)]~~, 20
198 U.S.C. Sec. 1232g and 34 CFR Part 99.

199 ([3]e) Consistent with ~~[the]~~ Title 67, Chapter 16, Utah Public Officers' and
200 Employees' Ethics Act, Section 53A-1-402.5, and ~~[Board]~~ rule[s], a professional
201 educator:

202 ([a]i) ~~[shall]~~ may not accept a bonus[es] or incentive[s] from a vendor[s,] or
203 potential vendor[s,] or a gift[s] from a parent[s] of a student[s], or a student[s] where
204 there may be the appearance of a conflict of interest or impropriety;

205 ([b]ii) ~~[shall]~~ may not accept or give a gift[s] to a student[s] that would suggest
206 or further an inappropriate relationship;

207 ([c]iii) ~~[shall]~~ may not accept or give a gift[s] to a colleague[s] that ~~[are]~~ is
208 inappropriate or furthers the appearance of impropriety;

209 ([d]iv) may accept a donation[s] from a student[s], parent[s], ~~[and]~~ or
210 business[es] donating specifically and strictly to benefit a student[s];

211 ([e]v) may accept, but not solicit, a nominal appropriate personal gift[s] for a
212 birthday[s], holiday[s and], or teacher appreciation occasion[s], consistent with
213 ~~[school or school district]~~ LEA polic[ies]y and ~~[the]~~ Title 67, Chapter 16, Utah Public
214 Officers' and Employees' Ethics Act;

215 ([f]vi) ~~[shall]~~ may not use ~~[his]~~ the educator's position or influence to:

216 ([i]A) solicit a colleague[s], student[s], or parent[s ~~or~~] of a student[s] to
217 purchase equipment, supplies, or services from the educator or participate in an
218 activit[ies]y that financially benefits the educator unless approved in writing by the
219 ~~[local school board or governing board]~~ LEA; or

220 ([ii]B) promote an athletic camp[s], summer league[s], travel opportunit[ies]y,
221 or other outside instructional opportunit[ies]y from which the educator receives
222 personal remuneration[;] and that involve students in the educator's school system,

unless approved in writing consistent with ~~[local school board or governing board]~~LEA policy and~~[-Board]~~ rule; and

(g)vii) ~~[shall]~~may not use school property, a facilit~~[ies]~~y, or equipment for personal enrichment, commercial gain, or for personal uses without express supervisor permission.

R277-515-4. Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards.

~~[A-]~~(1) A professional educator maintains a positive and safe learning environment for a student~~[s,]~~ and works toward meeting an educational standard~~[s]~~ required by law.

~~[B-]~~(2)(a) Failure to strictly adhere to ~~[the following]~~this Subsection (2) shall result in licensing discipline~~[-as defined in R277-515-1G]~~.

(b) The professional educator, upon receiving a Utah educator license:

(1)i) shall take prompt and appropriate action to prevent harassment or discriminatory conduct toward~~[s]~~ a student~~[s]~~ or school employee~~[s]~~ that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment;

(2)ii) shall resolve a disciplinary problem~~[s]~~ according to law, ~~[school board]~~LEA policy, and local building procedures and strictly protect student confidentiality and understand laws relating to student information and records;

(3)iii) shall supervise a student~~[s]~~ appropriately at school and a school-related activit~~[ies]~~y, home or away, consistent with ~~[district]~~LEA policy and building procedures and the age of the students;

(4)iv) shall take action to protect a student from any known condition detrimental to that student's physical health, mental health, safety, or learning;

(5)v)(A) shall demonstrate honesty and integrity by strictly adhering to all state and ~~[district]~~LEA instructions and protocols in managing and administering a standardized test~~[s]~~ to a student~~[s]~~ consistent with Section 53A-1-608 and Rule R277-~~[473]~~404;

(a)B) shall cooperate in good faith with a required student assessment~~[s]~~;

(b)C) shall encourage a student's~~[']~~ best effort~~[s]~~ in a~~[#]~~n assessment~~[s]~~;

(c)D) shall submit and include all required student information and

254 assessments, as required by ~~[state law and State Board of Education]~~statute and
255 rule[s]; and

256 ([d]E) shall attend training and cooperate with assessment training and
257 assessment directives at all levels[-];

258 ([6]vi) ~~[shall]~~may not use or attempt to use ~~[school district or school]~~an LEA
259 computer[s] or information system[s] in violation of the ~~[school district's]~~LEA's
260 acceptable use policy for an employee[s] or access information that may be
261 detrimental to young people or inconsistent with the educator's role model
262 responsibility; and

263 ([7]vii) ~~[shall]~~may not knowingly possess, while at school or any school-related
264 activity, any pornographic material in any form.

265 ~~[G.](3)(a)~~ Failure to adhere to ~~[the following]~~this Subsection (3) may result in
266 licensing discipline~~[-as defined in R277-515-1G]~~.

267 (b) A ~~[P]~~penalt[ies]y shall be imposed, most readily, if an educator~~[s have]~~
268 has received a previous documented warning~~[(s)]~~ from the educator's employer~~[-]~~.

269 (c) A professional educator:

270 ([4]i) shall demonstrate respect for a diverse perspective[s], idea[s], and
271 opinion[s] and encourage contributions from a broad spectrum of school and
272 community sources, including a communit~~[ies]~~y whose heritage language is not
273 English;

274 ([2]ii) shall use appropriate language, eschewing profane, foul, offensive, or
275 derogatory comments or language;

276 ([3]iii) shall maintain a positive and safe learning environment for a student[s];

277 ([4]iv) shall work toward meeting an educational standard[s] required by law;

278 ([5]v) shall teach the objectives contained in ~~[the Utah]~~a Core
279 ~~[Curriculum]~~Standard;

280 ([6]vi) ~~[shall]~~may not distort or alter subject matter from ~~[the]~~a Core Standard
281 in a manner inconsistent with the law~~[-and shall use instructional time effectively]~~;
282 and

283 ([7]vii) shall use instructional time effectively consistent with ~~[school and~~
284 ~~school district]~~LEA polic~~[ies]~~y.

R277-515-5. Professional Educator Responsibility for Compliance with [School District]LEA Polic[ies]y.

~~[A-](1)(a)~~ Failure to strictly adhere to ~~[the following]~~this Subsection (1) shall result in licensing discipline~~[-as defined in R277-515-1G]~~.

~~(b)~~ The professional educator:

~~([1]i)~~ understands and follows ~~[Board]~~a rule[s] and ~~[local board]~~LEA polic[ies]y;

~~([2]ii)~~ understands and follows a school ~~[and]~~or administrative polic[ies]y ~~[and]~~or procedure[s];

~~([3]iii)~~ understands and respects appropriate boundaries[-] established by ethical rules and school polic[ies]y and directive[s-] in teaching, supervising, and interacting with a student~~[s and]~~ or colleague[s]; and

~~([4]iv)~~ shall conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with ~~[school and school district]~~LEA policy.

~~[B-](2)(a)~~ Failure to adhere to ~~[the following]~~this Subsection (2) may result in licensing discipline~~[-as defined in R277-515-1G]~~.

~~(b)~~ A [P]penalt[ies]y shall be imposed most readily, if an educator~~[s have]~~ has received a previous documented warning~~[(s)]~~ from the educator's employer.

~~(c)~~ The professional educator:

~~([1]i)~~ shall resolve a grievance[s] with a student[s], colleague[s], school community member[s], and parent[s] professionally, with civility, and in accordance with ~~[school district/charter school]~~LEA polic[ies]y; and

~~([2]ii)~~ shall follow ~~[school district/charter school]~~LEA polic[ies]y for collecting money from a student[s], accounting for all money collected, and not commingling any school funds with personal funds.

R277-515-6. Professional Educator Conduct.

~~[A-](1)~~ A professional educator exhibits integrity and honesty in relationships with ~~[school and district]~~an LEA administrator~~[s and]~~ or personnel.

~~[B-](2)(a)~~ Failure to adhere to ~~[the following]~~this Subsection (2) may result in licensing discipline~~[-as defined in R277-515-1G]~~.

316 (b) ~~A [P]penalt[ies]y~~ shall be imposed most readily, if an educator~~[s have]~~ has
317 received a previous documented warning~~[(s)]~~ from the educator's employer.

318 (c) The professional educator:

319 ([1]i) shall communicate professionally and with civility with a colleague[s],
320 school and community specialist[s], administrator[s], and other personnel;

321 ([2]ii) shall maintain[s] a professional and appropriate relationship and
322 demeanor with a student[s], colleague~~[s and]~~, school community member[s], and
323 parent[s];

324 ([3]iii) ~~[shall]~~ may not promote a personal opinion[s], personal issue[s], or
325 political position[s] as part of the instructional process in a manner inconsistent with
326 law;

327 (iv) shall express~~[es]~~ a personal opinion[s] professionally and responsibly in
328 the community served by the school;

329 ([4]v) shall comply with ~~[school and district]~~ an LEA polic[ies]y, supervisory
330 directive[s], and generally-accepted professional standard[s] regarding appropriate
331 dress and grooming at school and at a school-related event[s];

332 ([5]vi) shall work diligently to improve the educator's own professional
333 understanding, judgment, and expertise;

334 ([6]vii) shall honor all contracts for a professional service[s];

335 ([7]viii) shall perform all services required or directed by the educator's
336 contract with the ~~[school district, school, or charter school]~~ LEA with professionalism
337 consistent with ~~[local]~~ LEA polic[ies]y and ~~[Board]~~ rule[s]; and

338 ([8]ix) shall recruit another educator[s] for employment in another position only
339 within ~~[district]~~ a LEA timeline[s] and guideline[s].

340 **R277-515-7. Violations of Professional Ethics.**

341 ~~[A.]~~ (1) This rule establishes standards of ethical decorum and behavior for
342 licensed educators in ~~[Utah]~~ the state.

343 ~~[B.]~~ (2) Provisions of this rule do not prevent, circumvent, replace, nor mirror
344 criminal or potential charges that may be issued against a professional educator[s].

345 ~~[C.]~~ (3) The Board and USOE shall adhere to the provisions of this rule in
346 licensing and disciplining a licensed Utah educator[s].

347 ~~[D.]~~(4) Reporting and employment provisions related to professional ethics are
348 provided in:

349 ([1]a) Section ~~[53A-3-410]~~53A-15-1507;

350 ([2]b) Section 53A-6-501;

351 ([3]c) Section 53A-11-403; and

352 ([4]d) Section ~~[R277-514-5]~~R277-516-7.

353 **KEY: educator, professional, standards**

354 **Date of Enactment or Last Substantive Amendments: ~~[August 7, 2008]~~2015**

355 **Notice of Continuation: November 15, 2012**

356 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a);**
357 **53A-6; 53A-1-401(3)**